

REMARKS

This is a response to the Office Action of October 15, 2007. A shortened statutory period for response was set to expire three months from the date of the letter, making a response due on or before January 15, 2008.

The applicant notes the Examiner's remarks on the applicant's election of the claims and respectfully disagrees. In particular, Figure 1C illustrates a lower portion of the tool shown in Figures 1A and 1B. See, Brief Description of the Drawings, which forms a part of the original application. Therefore, the tool 10 is indeed provided with cylindrical sections 12, 13 and 14, a drive shaft of the drive member (or drive tool 57) as well as tapered transition sections between cylindrical sections 12 - 13, and 13 -14, as shown in Figures 1A-1C.

Moreover, Figure 22 is "a sectional, elevation view showing the system of FIGS. 18-21 after installation," as recited in the Brief description of the drawings. Furthermore, Figures 18-21 illustrate an alternate construction for the internal drive member. As a consequence, Claims 1-4, 16 and 18-28 reciting the entire tool, not only the drive connections, is supported by the election of the drawings. Therefore, the applicant's election of Claims 1-4, 16, and 18-28 as reading on the species of Figures 1C/22 is fully justified.

Reconsideration of the restriction requirement in view of the above is respectfully requested.

However, until such time as the examiner formally re-introduces these claims into the pending application under examination, the applicant is compelled to respond to the statements made in the Office action relating to Claims 22-28.

Claims 22-28 were rejected under 35 U.S.C. 112, second paragraph. The applicant amended Claims 22, 25 and 26 to overcome the rejection under 35 U.S.C. 112, second paragraph.

Claims 25-28 were rejected under 35 U.S.C. 102(b) as being anticipated by Moseley. The applicant amended Claim 25 to better define the present invention and believes that amended Claim 25 overcomes the rejection under Section 102. It is well settled that anticipation requires that all features of the claim be found in a single prior art reference. In this case, the '814 patent does not teach, suggest or illustrate pile sections that are provided with a non-circular transition portions formed at ends of the pile sections; nor a drive means comprising drive members that fit inside the bores within end portions of the pile sections; nor non-circular surfaces that enable torque to be transmitted from the drive means to the pile sections.

As to Claims 26, 27 and 28, each of these claims recites features that are not shown, taught or suggested by the '814 patent. Therefore, each of these claims is believed to be independently patentable.

Claims 22 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Turzillo, in view of Fujita and further in view of Baumann. Since the Baumann patent was not listed on Form PTO-892, the applicant assumes that the Examiner meant Baumann's patent No. 5,459,973 that was cited in applicant's patent No. 7,112,012. The applicant respectfully traverses Section 103 rejection and submits that amended Claim 22 recites a tool that is not shown by either of the cited references, singularly, or in combination.

Turzillo discloses "pile sections" 11 (hollow pipe sections) that surround and extend substantially the full length of the helical section. Therefore, Turzillo does not teach a helical

anchor, wherein a lowermost of the pile sections is connectable to the top of the anchor, as recited in Claim 22. The design of the instant invention enables the helical anchor to track a path into the earth that is followed by the hollowed pile sections and enables an optional filler material such as grout or concrete to be added to the hollow bore. The anchor apparatus of the instant application affords advantages not found in Turzillo, namely that the anchor of the present invention receives tensile load carrying capacity from the helical anchor and compressive load carrying capability from the hollow pile sections that can be filled with grout or concrete filler or the like. However, the larger diameter hollow pile sections are strong in compression even if they are not filled with a filler material.

Fujita was cited as showing pile sections as showing pile sections with circular or square cross sectional shape, and Baumann was cited as teaching a variety of cross-sectional shapes for internally threaded coupling means. However, Fujita does not disclose a circular pile – to square joint connections (non-annular joint portions) that enable transmission of torque to the pile sections through the square joints. In Fujita's patent, leading pile 10 and coupling pile 30 in Figure 1 are circular in cross-section; leading pile 10 and coupling pile 30 are square in cross-section in Fig. 10; and modified wedge guide means for guiding the tip ends of wedge members 12 in Figure 7 is square in cross-section.

In Baumann, similarly to Fujita, the pile ends are not squared. Baumann merely teaches that the second attachment members 116 that surround the pile section joint are capable of being of different shapes. Therefore, no modification of the Turzillo apparatus would produce the anchor apparatus as recited in the instant claim 22.

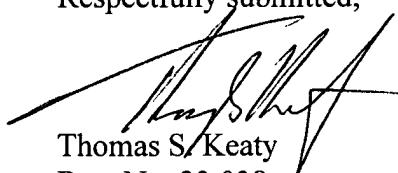
As to Claim 23, it is believed to be independently patentable for the reasons stated above.

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Claim 24 was not rejected by either of the cited references, although it was rejected under the double-patenting doctrine. The applicant submits herewith a Terminal Disclaimer for Claims 22-24, as required in the Office Action.

In view of the amendments and arguments presented above, reconsideration of the rejection and allowance of Claims 22 – 28 is respectfully requested.

Respectfully submitted,



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